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Canadian Sponsorship of Refugees Program Reform
A Limit on Canadians' Generosity

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"*Today, as yesterday, a nation is judged by its attitude towards refugees*." - Elie Wiesel, Nobel Laureate[1]

[1]Galloway, G. (2012, July 7). Nobel laureate joins Toronto rabbi group in condemning refugee health cuts. The Globe and Mail. Retrieved May 14, 2014, from [http://www.theglobeandmail.com/news/politics/nobel-laureate-joins-toronto-rabbi-group-in-condemning-refugee-health-cuts/article4397274/].

Abstract

This paper will analyze how the recent changes, since 2010, to the private sponsorship of refugees (PSR) program in Canada impact its ability to meet the goals set for the program in 1978. The first section includes a description of the foundational aspects of the private refugee sponsorship landscape in Canada; namely the original purpose of the PSR program as it was defined in 1978, the requirements involved to become a private sponsor, as well as the underlying principles of additionality and diversity inherent to the system. The second section details a full historical account of the evolution of the PSR system, including the identification of the number of refugees who have come to Canada through PSR from 1979 until 2012. The third section identifies the structural changes to PSR which came about through the most recent Government reforms beginning in 2010, the Government rationale for the most drastic reforms, as well as the potential implications these changes will have on the future of private sponsorship in Canada. The fourth and final section proposes a set of recommendations to re-align the PSR system with the goals, objectives, and principles set out in 1978. These recommendations, including the establishment of a National Refugee Sponsorship Organization and Refugee Family Reunification Program, serve to address some of the major challenges evident in the PSR system today and suggest practical steps forward to better serve the needs of all stakeholders involved in the Canadian private sponsorship system.

Acronyms

BVORP	Blended Visa Office Referred Program
CEIC	Canada Employment and Immigration Commission
CIC	Citizenship and Immigration Canada
CLWR	Canadian Lutheran World Relief
CS	Community Sponsor
EIC	Employment and Immigration Canada
GAR	Government-Assisted Refugee
G5	Group of Five
IFHP	Interim Federal Health Program
IRPA	Immigration and Refugee Protection Act
IRPR	Immigration and Refugee Protection Regulations
JASP	Joint Assistance Sponsorship Program
JIAS	Jewish Immigrant Aid Services
LGBT	Lesbian, Gay, Bisexual, and Transgender
MCCC	Mennonite Central Committee Canada
PSR	Private Sponsorship of Refugees
RAP	Resettlement Assistance Program
SAH	Sponsorship Agreement Holder
UNHCR	United Nations High Commissioner for Refugees

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Introduction

As a nation of immigrants, Canada has a rich history coloured with stories of settlement from every country of the world. While many of these stories begin with a yearning to access all that Canada has to offer, many still involve a need to escape, as refugees, from environments rife with persecution and hardship. Over this long history of immigration and refugee resettlement the private sponsorship of refugees program has acted as an important tool for Canada and Canadians in their efforts as responders to refugee crises all over the world. The long tradition of refugee resettlement in Canada has been enhanced through the creation of the private sponsorship scheme in 1978. Since its inception private sponsorship has acted as a flexible tool capable of adapting to large and small-scale refugee needs so that tens of thousands of refugees have, and continue, to find durable solutions in Canada. The program has not only expanded Canada's resettlement capacity but has also become engrained in the personal experience of Canadians as they interact with refugees. Private sponsorship provides an avenue through which the Canadian public can act on a desire to provide direct financial and personal assistance to some of the most vulnerable populations in need of international protection. The direct assistance provided to refugees through the program has proven to be invaluable in improving integration outcomes for new arrival. The result is not only an increased number of resettled refugees to Canadian soil but also an overall enhanced ability for resettled refugees to integrate into Canadian society.

This paper will analyze how the recent changes, since 2010, to the private sponsorship of refugees (PSR) program in Canada impact its ability to meet the goals set for the program in 1978. While all Government programs must evolve and adapt to the changing needs of society, it is useful to take a step back and measure the success of a program to its objectives established at

the onset. Undertaking a comparison in this way allows for the program's operation to be re-aligned where necessary and for a greater understanding of its purpose to be realized. For a program as multi-faceted as PSR which involves myriad actors from Government, the private sector, and civil society, this type of undertaking is essential in order to bring about a broader consensus across stakeholders. It provides an opportunity to reflect on the changing nature of the PSR system evident in Canada today. It provides an opportunity to understand if the changes represent a shift in the refugee resettlement landscape and operative environment in Canada, and if so a need to shape the program to fit in line with growing domestic and global demands. Alternatively it proposes if Canadians themselves have simply become less generous as a population and less likely to show an outpouring of support for refugees around the world as they once did when the PSR system was introduced in 1978. Alternatively, it asks if the reforms of the last five years are representative of placing limits on the generosity of Canadians and a need to re-align the system to allow for the goals and principles of the PSR system to be re-infused into the modern iteration. No matter which scenario, private sponsorship in Canada has and continues to undergo drastic changes, changes which undoubtedly impact the ways in which private individuals are able to engage in humanitarian action. It is time now to take a critical look at the PSR system in Canada in order to propose practical ways forward to bring about the kinds of reforms which benefit refugees and humanitarian applicants through the assistance of the private sponsorship community without exhausting the Government's capacity to facilitate sponsorships. The program's goals set out in 1978 represented the embodiment of human generosity in public policy. The program provided an avenue for regular Canadian citizens to engage with strangers in a meaningful and life altering way. It allowed for an experience to be shared between Canadian citizens wishing to become involved in the lives of persons in need and

those individuals seeking a better life in Canada. The original program design was completely underscored by human generosity and compassion and acted as a means of capitalizing on the outpouring of support felt within Canadian civil society. The preservation of this avenue of support is essential as the world is faced with compounding refugee crises today. The link between ordinary citizens and complete strangers exposed to unimaginable suffering must be maintained through such programs as private refugee sponsorship in Canada. The program as it was designed in the 1970s represents the best possible iteration of this link. While all programs must adapt to their current operational environments in order to ensure their longevity, in this instance, the goals must be maintained lest the spirit of generosity for the stranger be lost.

The first section of this paper describes the foundational aspects of the private refugee sponsorship landscape in Canada, namely the requirements stipulated in refugee legal definitions and the difference between the Government resettlement programs and private sponsorship programs. It outlines the original purpose of the private sponsorship program as it was defined in 1978 and stipulates the requirements involved to become a private sponsorship including the Undertaking of Support and Master Letter of Agreement. The underlying principles of additionality and diversity will also be discussed as a framing tool for the development of private sponsorship before. The second section will detail a full historical account of the evolution of the PSR system is outlined, including the identification of the number of refugees who have come to Canada through private sponsorship until 2012. The third section identifies the structural changes to PSR which came about through the most recent Government reforms beginning in 2010. The Government rationale for the most drastic reforms will be discussed including the potential implications these changes will have on the future of private sponsorship in Canada on refugee applicants and potential sponsors alike. The fourth and final section will propose a set of

recommendations to re-align the PSR system with the goals, objectives, and principles set out in 1978. These recommendations will serve to address some of the major challenges evident in the private sponsorship system today and suggest practical steps forward to better serve the needs of all stakeholders involved in the Canadian private sponsorship system. It is through these recommendations that the needs of the Federal Government, private sponsors, sponsoring organizations, and refugee applicants will be addressed as a means of establishing a private sponsorship system which gets back to its humanitarian roots but has the ability to run within the operational framework of the Government's current capacity. It is hoped if implemented these recommendations will bring about the best sponsorship, resettlement, and integration outcomes for refugees so as to better position Canada and all Canadians to continue their important work as partners in sponsorship all over the world.

Section I: Foundations of Private Refugee Sponsorship in Canada

The Canadian refugee resettlement landscape includes an assortment of programs designed to resettle different classes of refugees and other individuals requiring international humanitarian assistance. It is amidst these programs that the private sponsorship of refugees system was established in Canada in 1978 to set out the criteria involved for private sponsorship as well as the goals, objectives, and principles of the program. These foundational aspects of PSR helped to shape the program as it evolved to become the resettlement program in operation today.

I.I Refugee Definitions

While Canada has welcomed refugees through ad hoc private sponsorship regimes since 1959, it was not until 1976 when the Immigration Act and Regulations confirmed Canada's obligations to protect refugees under the United Nations 1951 Convention Relating to the Status

of Refugees, that a refugee class was established, and the private sponsorship of refugees system introduced and entrenched in Canadian legislation. In order to understand the complexities surrounding private sponsorship which came out of the 1976 Immigration Act and Regulations, it is first necessary to understand who is legally considered to be a 'refugee' and how they operate within the Canadian refugee resettlement landscape.

For a refugee to be accepted for resettlement in Canada, a visa officer must be satisfied that the person is a Convention refugee or meets one of the definitions of the humanitarian designated classes (for people in a refugee-like situation outside their home country, or at risk of persecution in their own country). This is called the eligibility determination[2].

I.I.I Convention Refugee

Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, The Convention relating to the Status of Refugees, herein referred to as the 1951 Convention, officially provided the definition for 'refugees' as adopted in the 1967 Canadian Immigration Act in 2(a) as any person who:

> (a) by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,
>
> (i) is outside the country of the person's nationality and is unable, or by reason of that fear, unwilling to avail himself of the protection of that country, or
>
> (ii) not having a country of nationality, is outside the country of the person's former habitual residence and is unable or, by reason of that fear, is unwilling to return to that country[3]

Once defined as a 'bona fide' refugee under the refugee status determination, refugees are given access to the refugee resettlement programs available in countries such as Canada.

[2] Canadian Council for Refugees. (1998, October). Refugees in Canada. Canadian refugee and humanitarian immigration policy 1997 to mid-1998. Retrieved February 15, 2014 from: [http://ccrweb.ca/survey98.pdf].

[3] *Immigration Act, 1976-77, c. 52, s. 1 , 1976, Retrieved November 24, 2013 from: [http://www.refworld.org/docid/3ae6b5c60.html].*

I.II Canadian Refugee Resettlement Landscape

Prior to the introduction of the 1976 Immigration Act, refugees were selected for permanent residence in Canada as members of the sponsored, nominated, or independent immigrant classes and were subject to the same requirements as other immigrants. In practice, immigration officers used their discretion extensively to allow the admission of refugees who did not achieve sufficient points but who appeared capable of establishing themselves successfully. Under the 1976 Immigration Act Convention refugees became a separate admission class with their own, flexible, selection criteria. In addition, the Governor in Council was granted the ability to designate classes of persons whose admission would be in keeping with Canada's humanitarian traditions. The ability of Convention Refugees and humanitarian cases to establish themselves in Canada remains one of the prime criteria for their admission to this day. For this reason the new Act and Regulations contain provisions whereby Canadian groups and organizations can facilitate the admission of Convention Refugees and humanitarian cases by undertaking to provide initial settlement assistance which can help ensure their successful establishment[4].

There are two ways in which refugees are admitted to Canada from abroad. The Canadian Federal resettlement programs will be discussed throughout the remainder of this paper, however the system of claiming refugee status falls within the purview of the Canadian asylum system which is beyond the scope of this study.

I.II.I Government Assisted Refugees

The Government-Assisted Refugees (GARs) scheme in Canada pre-dates that of private sponsorship to the post WWII immigration environment in Canada in 1947. GARs are refugees

[4] Manion, J.L. (1978, January 24). The Sponsorship of Refugees and Humanitarian Cases. Memorandum to the Minister.

who satisfy the requirements of Convention Refugees and whose initial resettlement in Canada is entirely supported by the Government of Canada or Quebec. This support has traditionally been delivered by the government's immigration agency-supported non-governmental agencies. The duration of support can last up to one year from the date of arrival in Canada, or until the refugee becomes self-sufficient, whichever happens first. The support may include such provisions as:

I.II.II Private Sponsorship of Refugees

The Private Sponsorship of Refugees (PSR) program was launched in Canada on April 1st, 1978 as a result of section 1115 (1) (k.1) of the 1976 Immigration Act which includes a provision for persons or organizations to facilitate the admission of refugees or humanitarian cases by undertaking to assist in their establishment in Canada. The Act goes on to incorporate the notion of private sponsorship in 6 (4),

> (4) Any body corporate incorporated by or under any Act of Parliament or the legislature of a province, and any group of Canadian citizens or permanent residents, may, where authorized by the regulations, sponsor the application for admission of:
>
> (a) any Convention refugee; and
> (b) any person who is a member of a class of persons designated for the purposes of subsection (3) or of a class of immigrants prescribed by regulations made under paragraph 114(1) (e).[5]

Prior to the introduction of this Act the admission of refugees through sponsorship had been through ad hoc arrangements in each specific case as was exemplified through the movements from Czechoslovakia in 1968, Uganda in 1972, and Chile in 1973.Additional provisions to the 1976 *Act*, formally implemented in 1978, introduced the concept of PSR as a vehicle for Canadian involvement in the resettlement process. The PSR system in Canada enables members of the private sector, namely churches, community organizations, corporations, and individuals to assist refugees to resettle in Canada. The aim of the program is to allow

[5] *Immigration Act, 1976-77, c. 52, s. 1 , 1976, Retrieved November 24, 2013 from: [http://www.refworld.org/docid/3ae6b5c60.html].*

interested groups to express their concern for refugees in tangible, concrete ways. The sponsors or sponsoring organizations take full responsibility for the individuals they agree to sponsor, and work in coordination with the Government of Canada to facilitate the selection, processing, and transportation of identified refugees to Canada.

Through the sponsorship program, groups or organizations can express their concern for the displaced and persecuted by providing settlement services beyond those normally supplied through the federal and provincial governments. The care, attention and personalized assistance of such groups can mean the acceptance of some refugees who might not otherwise be admitted to Canada[6]. Refugees are aided in their acclimation to Canadian culture and life through close association with pre-existing residents of Canada. In addition, sponsorship ensures a greater degree of monitoring over the success of refugee resettlement as the newly resettled refugee is accountable to their sponsor as well as the Government of Canada.

It is essential for the purposes of this inquiry to analyze the Canadian PSR program from its origins, to fully understand the program's purpose, goals and underlying principles. It is from this understanding that a deeper conclusion regarding the most recent changes to the PSR system, and refugee resettlement more broadly, can be achieved. Looking at the original intention of PSR in Canada will help to form the foundation with which to frame the analysis of the evolution of PSR to its present form in 2014.

I.II.II.I Original Purpose of PSR

In a memorandum to the Minister of Manpower and Immigration from Deputy Minister/Chairman J.L. Manion on January 24, 1978 the purpose of the sponsorship provision was outlined as intending to:

[6] Employment and Immigration Canada. (1976). Refugee Sponsorship: Facts for Canadian Groups and Organizations About Sponsoring Displaced and Persecuted Persons.

> Benefit not only the refugees and humanitarian applicants themselves, but also the sponsoring group or organization in Canada and the Canadian government. Sponsored refugees and humanitarian applicants will receive settlement services beyond those normally furnished through the federal and provincial government, and will enjoy more individual care and attention then would normally be available. The Canadian groups or organisations who are interested in either particular refugees or humanitarian applicants or a specific affinity group will be able to express their concern in concrete terms by undertaking to provide support to one or more families. By making personalized settlement services available to borderlines cases, their offers of assistance should also lead to the admission of larger numbers of refugees and persons in like circumstances. Lastly, the Canadian government should benefit from an increase in public understanding of, and commitment to Canada's refugee policy as groups and voluntary organizations becomes more aware of and involved in the settlement of immigrants in this nature[7].

The memo further identified the provisions of who may engage in sponsorships as the Canadian citizens who expressed interest to do so, as long as they met certain criteria.

I.II.II.II Who May Sponsor

The Immigration Regulations are designed to include provisions to allow legally incorporated organizations (either long established organizations and groups or those formed in response to short term situations) and groups of at least five persons (all over 18 years of age and Canadian citizens or permanent residents) to engage in the sponsorship of refugees. In the event that an organization or group operates on a national or regional scale, the sponsorship undertaking rests with the local branch of the organization. When the program was launched in 1978 the priority was ensuring proper control and monitoring of the new program in its initial stages, therefore procedures enabling individuals acting alone to sponsor refugees were not established, a characteristic of the program which persists to this day.

The provisions outlined in the IRPR allowed for not only private organizations and voluntary associations, but also a group of five or more Canadian citizens or

[7] Manion, J.L. (1978, January 24). The Sponsorship of Refugees and Humanitarian Cases. Memorandum to the Minister. P.2

permanent residents, labelled a Group of Five[8] (G5) or Community Sponsors[9] (CS) to make a sponsorship commitment.

A potential organization or group is assessed by the responsible Regional Immigration Headquarters on their ability to fulfill a sponsorship obligation based on the following criteria:

1. Must have made or be in a position to make adequate arrangements in the community of destination for the reception and settlement of the sponsored individual.
2. Must have sufficient financial resources and expertise to provide lodging, care, maintenance and resettlement assistance.
3. Must not be in default with respect to any other undertaking of support on behalf of a refugee or humanitarian case[10].

From the onset it seemed likely that two general types of organizations would avail themselves of the opportunity to sponsor refugees: national immigrant aid societies and religious or ethnic organizations such as Jewish Immigrant Aid Services (JIAS). National organizations such as JIAS and umbrella organizations such as the Canadian Council of Churches often play a coordinating role, liaising with Immigration Headquarters and bringing individual cases to the attention of their local chapter. It was also expected that local groups and organizations, ethnic clubs, church groups at the parish or congregational level, service organizations or perhaps even private companies, may, for one reason or another develop an interest in individual refugees or groups of refugees. According to a memorandum from W.K. Bell – Director General Recruitment & Selection Branch in August 1977, limitations were not to be placed on the nature

[8] A Group of five (G5) is a voluntary group of five or more Canadian citizens of permanent residents who have arranged to sponsor a refugee living abroad to come to Canada. All of the group members must be at least 18 years of age and live or have representatives in the area where the refugee will settle. The G5 commits to undertake a sponsorship of a refugee or refugee family under the same terms as a sponsoring organization through sharing the financial and social responsibilities among all five members of the G5.

[9] Community Sponsors (CS) are community organizations who do not fall under a Sponsorship Agreement Holder but wish to engage in a sponsorship undertaking.

[10] Citizenship and Immigration Canada (2012). Private Sponsorship of Refugees Program. Retrieved November 20, 2013 from: [http://www.cic.gc.ca/english/pdf/pub/ref-sponsor.pdf].

of the groups eligible to sponsor except that they be reputable local groups or chapters of larger organizations active in the community where the refugee will be settled and that they have the resources to meet their commitments[11]. The memo further identified the existing role of the United Nations High Commissioner for Refugees (UNHCR) with the network of voluntary agencies within Canada and the belief that it would "continue to stimulate the involvement of these groups in a major emergency situation thus encouraging a speedier response from the voluntary sector"[12].

I.II.II.III Underlying Principles of the Private Sponsorship of Refugees System

The Canadian PSR system was established to realize humanitarian aims of individual Canadian citizens and contains two main underlying principles of additionality and diversity. These principles have been inherent to the program since its design and have helped to form the basis for further changes to the PSR system throughout the years leading up to the most recent reforms in 2012.

I.II.II.III.I Additionality

Historically the PSR has been founded on a tradition of additionality and the understanding that there are more refugees in the world in need of resettlement as a durable solution than the number of places the Government of Canada can offer. The private sector thus feels called upon to fill in the gaps and to provide an opportunity for additional resettlement efforts in addition to the existing government-assisted program. This has been a feature of the PSR program from its first iteration in 1978 as evidenced in a memo to Mr. J.L. Manion – Deputy Minister/Chairman from R.M. Tait – Executive Director, Immigration and Demographic Policy on April 28, 1978 Mr. Tait explains, "At a time when government funds are scarce, the

[11] Bell, W.K. (1977, August 19). Sponsorship of Refugees. Memorandum to the Minister.
[12] Ibid. p. 6.

refugee sponsorship system offers the possibility of increasing refugee admissions over and above the total achievable through government financed initiatives".[13] It is clear that the PSR system in Canada was developed to go beyond the capacity of the Government program in order to extend Canada's resettlement ability.

I.II.II.III.II Diversity

The principle of diversity is also inherent to the PSR program in Canada. Since its inception in 1978, and as it has evolved over time, the private sponsorship program has not been limited to any country in particular but rather provides a route for potential refugees in any country in need of resettlement. The PSR system has also gone further to allow potential sponsoring groups or organizations to identify a particular refugee, or affinity group that they wish to sponsor. This allows sponsoring groups the opportunity to focus their assistance on individuals they feel personally connected to, or have an affinity to. Through allowing the provision for naming and not putting geographical bounds on the area of the world a potential sponsored refugee comes from as long as they meet the requirements for sponsorship, the Canadian PSR system has upheld the principle of diversity.

The principles of additionality and diversity essential to the private sponsorship system have proven to be instrumental in not only its implementation since 1978 but also the evolution of many of the programs' aspects. The following section will chart the evolution of PSR between its implementation in 1978 and 2012 when the most recent set of Government reforms to PSR came about.

[13] R.M. Tait. (1978, April 28). The Refugee Sponsorship System – Reaction of Potential Sponsors. Memorandum to the Deputy Minister. P.3

Section II: Evolution of the PSR System in Canada: 1979 – 2010

The many structural and operational changes which took place after the implementation of the PSR system in 1978 have served to expand and improve the opportunity of private individuals to become involved in refugee sponsorship. This unprecedented phenomenon evidenced through the support of the Indo-Chinese Refugee Movement of 1979-1980 and subsequent refugee inflows is testament to the ability of the program to adapt and evolve to the changing requirements of the sponsorship community.

II.I 1979 – 1980: The Indo-Chinese Case

The newly implemented refugee provisions outlined in the *1976 Act*, implemented in 1978, were immediately tested in 1979 when almost 60,000 Indochinese refugees, commonly referred to as the "Boat People", sought resettlement in Canada. This large scale exodus from Laos, Cambodia, and Vietnam involved tens of thousands of individuals who were fleeing persecution and unstable economic conditions, resulting in an outpouring of public concern in Canada. With the additional provisions regulating sponsorship in the *1976 Act* more than half of these refugees were resettled in Canada through private sponsorship[14].

By October 1979 more than 3,600 sponsoring groups in Canada had applied to sponsor 19,000 refugees[15]. Throughout this period of sponsorship many eager sponsoring groups expressed a desire to help, however there was confusion over the sponsorship process as well as the responsibilities of the sponsoring group. Fortunately, several coordinating bodies were established both regionally and locally to offer guidance and support to willing sponsors, as well

[14] Canada. Employment and Immigration Canada (Commission) (1982). Indochinese refugees : the Canadian response, 1979 and 1980. Employment and Immigration Canada, [Ottawa].
[15] McCrossan, Paul, M.P. (1980). "Current Refugee Policy." In The Indochinese Refugee Movement: The Canadian Experience, ed. H. Adelman, 10-16, Toronto: Operational Lifeline, (Proceedings of a Conference in Toronto, October 19-21, 1979).

as more tangible assistance through monetary and material donations to refugees[16]. Under the corresponding sponsorship agreements between the government and sponsoring groups, sponsoring groups legally committed themselves to support sponsored refugees for one year or until they were self-sufficient, whichever came first. Through this agreement sponsors committed to provide furnished accommodation, food, clothing, and incidental expenses; as well as to arrange for registration in provincial medical and hospital insurance plans, pay health insurance premiums and other health care costs; and provide reception, orientation, counselling, transportation, and employment assistance.[17]

Reflecting on the success of the movement the Minister of Employment and Immigration in 1980, Lloyd Axworthy, indicated that,

> the most outstanding success was in the large number of refugees sponsored privately by the Canadian people – who through some 7,000 sponsoring groups and organizations donated their time, energy and funds. Thousands of others formed private coordinating organizations to ensure that the sponsoring groups' efforts were supported, or that government-assisted refugees received the personal help they needed to get settled in their new communities.[18]

At the onset of the crisis in July 1979 the Canadian commitment included 8000 refugees. The Government agreed to sponsor a total of 29,000 refugees and the private sector agreed to sponsor 21,000 refugees by 1980. Three months later in October 1979 the Government targets had already been reached and by January 1980 more than 31,000 refugees had been resettled through private sponorship[19]. The Government further launched a 'one-for-one' matching program in July 1979 whereby every Indochinese refugee sponsored by Canadian groups would be matched by the Government of Canada sponsoring an additional refugee. As a result more

[16] Ibid.
[17] Canada. Employment and Immigration Canada (Commission) (1982). Indochinese refugees : the Canadian response, 1979 and 1980. Employment and Immigration Canada, [Ottawa].
[18] Ibid. p. 6.
[19] McCrossan, Paul, M.P. (1980). "Current Refugee Policy." In The Indochinese Refugee Movement: The Canadian Experience, ed. H. Adelman, 10-16, Toronto: Operational Lifeline, (Proceedings of a Conference in Toronto, October 19-21, 1979).

than 7,000 churches, community groups, and other organizations offered to lend their support in sponsoring refugees to Canada[20]. Most notably, the Mennonite Central Committee Canada (MCCC) initiated discussions with the Government in Ottawa to establish a draft refugee sponsorship agreement, known in subsequent years as a *Master Letter of Agreement,*[21] in the hopes of making the entire process easier on the sponsoring agencies. Through the agreement MCCC became the first sponsorship organization in Canada, sponsoring almost 4,000 Indochinese refugees (more than ten percent of all private sponsorship that year)[22]. Within weeks many of the national church bodies in Canada went on to sign virtually identical *Master Letter of Agreement*s to support their sponsorship efforts[23].

To manage what had quickly become the largest refugee movement to Canada in history, in July 1979 a special Refugee Task Force was established in the Canada Employment and Immigration Commission (CEIC) to coordinate both overseas and domestic activities. This task force, through collaborative efforts with other federal departments, select provincial governments, and private groups, was responsible for all program activities from selection to integration. With program expansions in 1979 also came the need for a faster and more efficient matching system between refugees and sponsors. The first system was a 'pre-matching' manual one which saw overseas visa posts sending lists of refugees to the central matching centre in

[20] Ibid.
[21] Section 6(2) in the 1976 Immigration Act and section 7 in the Regulations permits any five individuals the ability to sponsor refugees if they accepted full liability for the refugee and his or her accompanying dependents for one year. The Master Agreement (MA) allowed groups such as MCCC to accept this liability, further authorizing local groups of congregations to obtain a letter of liability from MCCC who would bear the burden of that liability in their place. The MA also spelled out the responsibilities of MCCC, the government and how communications between the local congregations and local immigration offices and embassies abroad would flow. Janzen, William. (2005). The 1979 MCC Canada Master Agreement for the Sponsorship of Refugees in Historical Perspective. Journal of Mennonite Studies. University of Winnipeg. Retrieved January 10, 2014 from [https://jms.uwinnipeg.ca/index.php/jms/article/view/1184/1176].
[22] Wicher T. (2003, November). A history of private sponsorship, Canadian Mennonite Magazine, Retrieved 20, November 2013 from: [http://www.canadianmennonite.org/articles/history-private-sponsorship].
[23] Janzen, William. (2005). The 1979 MCC Canada Master Agreement for the Sponsorship of Refugees in Historical Perspective. Journal of Mennonite Studies. University of Winnipeg. Retrieved January 10, 2014 from [https://jms.uwinnipeg.ca/index.php/jms/article/view/1184/1176].

Ottawa which then sought suitable sponsors through the network of CEIC offices across Canada. These centres then telexed the confirmed matches back to the posts abroad who would conduct medical examinations and required documentation processes before transportation was arranged to bring the refugees to Canada. This system did not allow for reception centres to have any control over the arrival dates of refugees and often resulted in the cancellation of matched refugees because of reasons such as a failure to pass the medical examination. In September of that year a computer-support system was introduced to help remedy some of these challenges. Through the computer system refugees were not proposed to sponsors until they had passed the examinations and were cleared for travel to Canada. As a result lists of flight passengers were sent to the matching centres in Canada approximately ten days before flights were scheduled to arrive. These lists provided a database with which tentative matches between refugees and sponsors were made very quickly, often requiring reception centres to prepare for incoming refugees with only 24 hours notice before the flights touched down in Canada. In the event that refugees were not matched with sponsors they then became the responsibility of the Federal Government, however more than 80 percent of refugees who were available for matching were placed with a private sponsoring organization.[24]

By the end of the movement a total of 60,000 Indochinese refugees had been admitted to Canada, 26,000 through the Government-assisted scheme, and some 34,000 through private sponsorship[25]. Included in these numbers were special groups of refugees such as unaccompanied minors, tuberculosis victims (accepted in partnership with provincial governments), and other difficult cases helped jointly by the Federal Government, private groups, and provincial governments. Mr. Paul McCrossan, Member of Parliament for York,

[24] Canada. Employment and Immigration Canada (Commission) (1982). Indochinese refugees : the Canadian response, 1979 and 1980. Employment and Immigration Canada, [Ottawa].
[25] Ibid.

Scarborough during the Indochinese refugee movement, spoke to this point at a Conference in Toronto by stating, "[t]hrough joint assistance, the Federal Government and private groups will share the cost of ensuring the satisfactory resettlement of those refugees with difficult problems.[26]"

The official EIC review of the 1970-1980 immigration program stated,

> Never before had Canada been involved in a refugee movement which arose so dramatically or persisted in such large numbers for so long. Never had the distances been so vast, the cultural differences so pronounced. Never had groups of Canadians, motivated by conscience and a determination to relieve mass suffering, become so personally involved; and never before had they joined with their federal and provincial governments in a formal partnership to provide new homelands for refugees.[27]

The achievements noted through the Indochinese resettlement movement allowed the newly instituted Canadian refugee sponsorship system to be deemed a success and established the foundation for which refugee sponsorship in Canada would evolve into the twenty-first century. The Member of Parliament for York-Scarborough Mr. Paul McCrossan commended this joint work by stating, "[b]y working together, the federal government and the Canadian people have been able to accomplish much more than either could have done alone.[28]" Employment and Immigration Canada further noted this in 1982, through stating that,

> [t]he energy and resourcefulness of private sponsors demonstrated the strong commitment of Canadian people to welcome and help the Indochinese refugees. Among the important lessons learned from this experience was the superior effectiveness of co-operation between private and public sectors, particularly in providing social and emotional support in local communities.[29]

[26] McCrossan, Paul, M.P. (1980). "Current Refugee Policy." In The Indochinese Refugee Movement: The Canadian Experience, ed. H. Adelman, 10-16, Toronto: Operational Lifeline, (Proceedings of a Conference in Toronto, October 19-21, 1979).
[27] Indochinese Refugees, supra, note 79 at 1. As cited in: Hathaway, James C., Selective Concern: An Overview of Refugee Law in Canada. (1988). McGill Law Journal. p. 698.
[28] McCrossan, Paul, M.P. "Current Refugee Policy." In *The Indochinese Refugee Movement: The Canadian Experience,* ed. H. Adelman, 10-16, Toronto: Operational Lifeline, 1980. (Proceedings of a Conference in Toronto, October 19-21, 1979).
[29] Canada. Employment and Immigration Canada (Commission) (1982). Indochinese refugees : the Canadian response, 1979 and 1980. Employment and Immigration Canada, [Ottawa].

II.II 1981 – 1989: The Iranian Baha'i Refugee Program

An often overlooked moment in Canadian private refugee sponsorship history involved the resettlement of Iranian Baha'i refugees between 1981 and 1989. In the aftermath of the 1979 Iranian revolution the Government of Canada engaged in protective action through a special resettlement program for Baha'i refugees. The Iranian Baha'i Refugee Program from 1981 – 1989 represents a unique model of partnership between the Government and civil society through a blending of private sponsorship regimes and the traditional avenue of government-assisted resettlement. In 1981 the newly appointed Minister of Employment and Immigration Lloyd Axworthy responded to an appeal from the Baha'i Community of Canada to assist in resettling the targeted Baha'i refugee populations in Iran. Because of the success of the Indo-Chinese refugee movement there existed a viable mechanism for private sponsorship to be utilized in this case. In 1981 an appendix was added to the Department of Employment and Immigration's immigration manual which allowed visa officers to implement special directions when considering refugee applications from Iranian Baha'i refugees. In addition, those who possessed sufficient resources were permitted to move through the newly established private sponsorship system with the Canadian Baha'i community managing the resettlement. As a result of these programs approximately 2,300 Iranian Baha'i refugees were resettled in 220 communities across Canada by 1989[30]. The success of this resettlement can in part be attributed to the Canadian Baha'i community's concern with ensuring a positive local integration experience for newly settled refugees. A report prepared through the Baha'i Refugee Office in Toronto indicated that,

[30] Cameron G, A Quiet Exodus, Literary Review of Canada Magazine. Retrieved November 10, 2013 from: [http://reviewcanada.ca/magazine/2013/07/a-quiet-exodus/].

> When the refugee is not surrounded by an entire community of her own cultural group, she is much more likely to quickly learn the language and customs of her new country. If the Canadians befriending her are sensitive and eager to learn, this does not by any means necessitate her losing her own cultural identity. On the contrary, it provides for a wonderful enrichment of all concerned[31].

In addition to the Iranian Baha'i Refugee movement, private sponsors in Canada have historically provided a comparatively large resettlement contribution in the 1980s when measured on a global scale, resettling more refugees than the majority of Government programs in the world (excluding, the United States, and Australia)[32]. Since its introduction in 1978 private refugee sponsorship in Canada has evolved substantially. In the early 1980s, with no immediate need for sponsorship as was experienced in the Indochinese case, and minimal avenues for involvement in the Iranian Baha'i program, participation in sponsorship predictably declined.

Numbers remained fairly steady however at roughly 4000 - 6000 arrivals per year until 1986[33]. It was not until the mid to late 1980s that private refugee sponsorship increased in popularity. In 1988 the total number of Convention refugees and designated class immigrants resettled to Canada through private sponsorship increased from 7,437 in 1987 to 12,387.[34] A full account of the numbers of resettled refugees to Canada during this period can be found in Appendix II, Table I. This trend continued throughout the ten years following the Indochinese case which saw between 14 and 20 percent off all immigration to Canada coming through as refugees, roughly half of these through sponsorship[35].

[31] Ibid.
[32] Treviranus B. & Casasola M., (2003). *Canada's Private Sponsorship of Refugees Program: A Practitioners Perspective of its Past and Future,* JIMI/RIMI Vol. 4, No. 2.
[33] Ibid p.6.
[34] Ibid p.7.
[35] Troper H. (1993, Sping). Canada's Immigration Policy Since 1945, Canadian Immigration Council, International Journal Vol. 48, No. 2, Spring 1993, Retrieved November 15, 2013 from: [http://www.jstor.org/stable/40202881].

II.III 1988: Women at Risk Program

In the latter half of the 1980s there was an acknowledged need for resettlement programs which considered the most vulnerable refugees who required greater assistance than was available in current resettlement options. While the Joint Assistance Sponsorship Program (JASP) program was later introduced in 2004 to assist refugees requiring additional support the Women at Risk Program was established in 1988 to assist female refugees requiring special attention. Under the provisions of the 1990 Immigration Manual Women at Risk Program candidates must be:

a) in a precarious situation where the local authorities cannot assure her safety.

   This includes women who are experiencing significant difficulties in refugee camps, such as harassment by local authorities or by members of their own communities. Urgent protection cases, such as women in physical danger, or danger of refoulement are to be accorded first priority;

   OR

b) not in immediate peril, but who are existing in permanently unstable circumstances which allow for no other remedy.

   Because of low level of skills, or because they are accompanied by small children, or other factors, these may be women who have been passes over by Canada or by other resettlement countries in the past. At the same time they should show potential for eventual successful establishment in Canada with the assistance available to them through government services and a sponsoring group. It is accepted that the integration of such women into Canadian society can be expected to be difficult[36].

Female refugees who resettle in Canada through this scheme can come through as government-assisted, privately sponsored or (post 2014 under the JASP program). In total, from

[36] Immigration Manual, 3:13, No 2, June, 1990. As cited in: Simon, Rita J. (ed). (2001). Immigrant Women. Transaction Publishers. New Brunswick.

1988 until the end of 1997 a total of 359 women (with 668 dependents) have been resettled to Canada through the Women at Risk Program[37].

II.IV 1989 – 1994: Comprehensive Review of PSR

In the 1980s Employment and Immigration Canada (EIC), the agency responsible for establishing the private sponsorship system, identified the general obligations of sponsors as discussed in Section I, however, failed to provide detailed guidance as to how sponsoring agencies were to establish themselves or act through sponsorship. Over the years, as a result of this lack of guidance, and as participation in the system expanded, there is evidence of a wide variety of practices being implemented across the country.

As a result of the ad hoc nature of sponsorship program, in 1990 EIC undertook a comprehensive review of the PSR Program and identified major issues of concern not only for the Government but private sponsoring organizations as well. The most immediate concern was the sharp increase in the number of named sponsorships and a suspicion that the program was being utilized as a vehicle for family reunification for refugees with un-named[38] refugees having no one to advocate for them. Additional concerns expressed by EIC indicated their unease with some Master Agreement Holders (the term for sponsoring organizations at the time) with specific regard to their management practices and financial viability.[39]

This review was in the wake of great changes to the socio-economic environment in Canada throughout the early 1990s. As a consequence of compacting factors including: the end of the Cold War in 1991, the period of economic downturn experienced until 1992, and

[37] Canadian Council for Refugees. (1998, October). Refugees in Canada. Canadian refugee and humanitarian immigration policy 1997 to mid-1998. Retrieved February 15, 2014 from: [http://ccrweb.ca/survey98.pdf].
[38] Un-named refugees are selected by Canadian visa officers working overseas, usually through referrals from the UNHCR, without any input or support from any private organization or individual.
[39] Treviranus B. & Casasola M., (2003). Canada's Private Sponsorship of Refugees Program: A Practitioners Perspective of its Past and Future, JIMI/RIMI Vol. 4, No. 2.

frustration over increased lengths of processing times for refugee applications, by 1993 the number of privately sponsored refugees began to for the first time since 1985, fall below 5000 per year[40]. A growth in the number of asylum claims directly in Canada further contributed to the allocation problems of already scarce resources in resettlement efforts.

In 1994, in an attempt to remedy some of these challenges the Director General of the International Refugee and Migration Policy Branch created the NGO-Government Committee on the Private Sponsorship of Refugees. This committee provided a forum for the Government and Master Agreement Holders to engage in a dialogue about sponsorship and identify any problems they had been facing.

II.V 1997: Introduction of the Sponsorship Agreement

The NGO-Government Committee on the Private Sponsorship of Refugees has been employed as a useful tool in policy developments relating to private sponsorship since its creation in 1994, specifically the creation of the 1997 Sponsorship Agreement. The *Sponsorship Agreement* sought to more clearly outline the roles and responsibilities of all parties involved in private refugee sponsorships to Canada. In May 1997 (after three years of deliberation) the NGO-Government Committee on the Private Sponsorship of Refugees Program introduced the new *Sponsorship Agreements* to replace the old *Master Letter of Agreements*[41].

Interested organizations were required to sign an agreement with the government to become Sponsorship Agreement Holders (SAHs) and undertake private sponsorships of refugees. The agreements required the SAHs to prove that they had the financial resources and

[40] Canadian Council for Refugees, *Immigration to Canada 1979-2001*.As cited in: Treviranus B. & Casasola M., (2003). Canada's Private Sponsorship of Refugees Program: A Practitioners Perspective of its Past and Future, JIMI/RIMI Vol. 4, No. 2.

[41] In February 1979 a new directive on refugee sponsorship was implemented to develop a Master Letter of Agreement to be utilized by large well-established national organizations which have signed a formal agreement on behalf of their constituent groups, thereby facilitating a larger number of sponsorships than would otherwise be possible. The Master Letter of Agreement replaces the need for the evaluation and legal process for the constituent groups who ultimately carry out the sponsorship requirements. Bell, W. K. (1979, February 16). Refugee Sponsorship. Memorandum to the Minister.

the expertise necessary to manage sponsorships. The agreements further outlined the responsibilities of the Government as well as the SAHs[42].

Under the *Sponsorship Agreements* private sponsors retained the right to identify or 'name' a particular refugee or refugee family they wished to sponsor. In such instances the overseas visa office would contact the named individual(s) and review their admissibility criteria. Sponsors could also submit "un-named sponsorships," in which case the sponsor would be matched with a refugee by a visa officer. The sponsor was also permitted to indicate their preference in terms of family size, and source country. In all instances of sponsorship the sponsor was obligated to provide reception, lodging, and care (food, clothing, local transportation costs, etc.) services for the period of sponsorship. These services also included settlement assistance and support by way of aiding in the learning of English/French, finding employment, providing ongoing friendship, and assisting the refugee to participate in everyday Canadian life. The period of sponsorship usually lasted for a period of one full year and was determined prior to the arrival of the refugee in Canada. In some cases where the visa officer determined that the refugee would benefit from a longer term of sponsorship the period of sponsorship could be fixed at a maximum of 24 months. In all cases the sponsor's obligations ceased in the event that the refugee(s) became self-sufficient before the end of the sponsoring period[43].

With the introduction of the *Sponsorship Agreement* all current private sponsorship groups were required to apply for the new agreement or to authorize 'constituent groups' to

[42] Canadian Council for Refugees, Immigration to Canada 1979-2001.As cited in: Treviranus B. & Casasola M., (2003). Canada's Private Sponsorship of Refugees Program: A Practitioners Perspective of its Past and Future, JIMI/RIMI Vol. 4, No. 2.
[43] Treviranus B. & Casasola M., (2003). Canada's Private Sponsorship of Refugees Program: A Practitioners Perspective of its Past and Future, JIMI/RIMI Vol. 4, No. 2.

submit sponsorships under their agreement. By August 1998, a year after the introduction of the new agreements, a total of 54 *Sponsorship Agreements* had been signed[44].

Even with the new *Sponsorship Agreements*, in the late 1990s there were several challenges associated with private sponsorship, the most harmful being the high refusal rates of applications. In 1997 46 percent of applicants for private sponsorship across Canada were refused, with the number increasing to 48 percent in 1998[45]. A noted lack of training for visa officers abroad, coupled with communication deficiencies between Government ministries, sponsors, and refugee applicants, added to these high refusal rates.

II.VI 1998: Introduction of the Humanitarian Designated Classes

In 1998 the category of displaced and persecuted persons admissible to Canada was expanded through the introduction of the Humanitarian Designated Classes. In terms of private sponsorship, the Country of Asylum Class is the most relevant as it is the only class limited to privately sponsored refugees.

The requirements for the country of asylum class as outlined in the Immigration Regulations, Section 7 stipulate,

> (7) The person is in a refugee-like situation without meeting the Convention Refugee definition.
> More precisely, the person must be:
>
> - outside his/her country of citizenship or habitual residence (and also outside Canada)
> - seriously and personally affected by civil or armed conflict or a massive violation of human rights in the home country
>
> Persons in the Country of asylum class must be sponsored by a private group; they cannot be government-assisted.

[44] Canadian Council for Refugees. (1998, October). Refugees in Canada. Canadian refugee and humanitarian immigration policy 1997 to mid-1998. Retrieved February 15, 2014 from: [http://ccrweb.ca/survey98.pdf].
[45] Ibid.

> The visa officer must also decide that there is no possibility, within a reasonable period, of a durable solution for the person[46].

Unfortunately the opening up of the classes did not increase the chances of acceptance rates for refugees as anticipated as only 55 refugees had come to Canada through this designation by half way through 1998[47]. Between 1998 and 2002 PSR numbers remained low, averaging 2000-3000 per year over the course of the five years. In contrast, government assisted refugee numbers remained constant around 7300/year leading up to 2002.

II.VII 2002: The Immigration and Refugee Protection Act

In 2002 the *Immigration and Refugee Protection Act* (IRPA) replaced the *1976 Immigration Act* as the primary Federal legislation regulating immigration to Canada. As a compliment to the IRPA the *Immigration and Refugee Protection Regulations* (IRPR) were established to contain the laws outlined in the IRPA. While an exhaustive document containing many important provisions to govern immigration matters in Canada, the IRPA only mentions sponsorship in one section. Clause 13 'Sponsorship of Foreign Nationals' states that:

> 13. (1) A Canadian citizen or permanent resident, or a group of Canadian citizens or permanent residents, a corporation incorporated under a law of Canada or of a province or an unincorporated organization or association under federal or provincial law — or any combination of them — may sponsor a foreign national, subject to the regulations[48].

While the practice of private refugee sponsorship had been permitted before the introduction of this act, the IRPA further laid out conditions specifying that officers would be required to enforce sponsorship arrangements in accordance with Ministerial instructions[49].

[46] Ibid.
[47] Ibid.
[48] Immigration and Refugee Protection Act, SC 2001, c 27, Retrieved February 22, 2014 from: [http://canlii.ca/t/526n1].
[49] Sinha, J. & Young, M. (2001, March). Bill C-11: The Immigration and Refugee Protection Act. Retrieved February 22, 2014 from: [http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c11&Parl=37&Ses=1].

Through several amendments the IRPR lays out many additional provisions to govern sponsorship in Articles 152 and 153 (attached in Annex II)[50].

The results of sponsorship efforts under the IRPA and all private sponsorship until this point are summarized in Table I, Annex I, which indicates that through private refugee sponsorship over 180,000 refugees and individuals in 'refugee-like' situations were resettled between 1979 and 2002[51].

II.VIII 2004: Introduction of the Joint Assistance Sponsorship Program

One of the last large changes in Canadian refugee sponsorship before 2010 was the creation of the Joint Assistance Sponsorship Program (JASP) in 2004. The JASP allows sponsoring organizations to partner with the Government in the resettlement process. This program specifically applies to those refugees identified as requiring special assistance and often allows for more than the standard twelve months of government-funded income support. Joint assistance candidates often include individuals who are suffering from physical disability, have been greatly disadvantaged by their refugee experience (undergone torture, been long-term camp residents, etc.), or are large families which would require greater resettlement support. Through JASP sponsorship cases are matched with private sponsors to supplement the twelve months of government funding. This allows for assistance to run for up to 24 months, or even 36 months in exceptional cases[52].

The requirements of the JASP are outlined in the Immigration Regulations, Section 7.1,

> a) Joint Assistance refers to a joint undertaking by a sponsoring group and CIC to sponsor refuges (or members of the humanitarian designated classes) who require special

[50] Division 2: Sponsorship. (2009).Immigration and Refugee Protection Regulations. Retrieved February 22, 2014 from: [http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/page-64.html#h-83].
[51] Treviranus B. & Casasola M., (2003). Canada's Private Sponsorship of Refugees Program: A Practitioners Perspective of its Past and Future, JIMI/RIMI Vol. 4, No. 2. P.6
[52] Citizenship and Immigration Canada. (2012). Joint Assistance Program – Sponsoring refugees with special needs. Retrieved November 24, 2013 from: [http://www.cic.gc.ca/english/refugees/sponsor/jas.asp].

> assistance and who would without this assistance be found inadmissible (unable to successfully establish). The goal is to give the refugees greater support than is available in either a government-assisted sponsorship or a private sponsorship[53].

Under the JASP scheme the Government commits to providing income support for the refugee(s) while the SAH provides the remaining social support traditionally offered through private sponsorship, as well as any specialized services jointly agreed to by the sponsoring organizations and the Government. It is important to note that JASPs are counted as part of the Government resettlement numbers for the purpose of reporting immigration levels and do not indicate the involvement of private sponsors on record[54].

II.IX 2005 – 2010: Canadian PSR Landscape

As is summarized in Table I, Annex I, although there had been a slight increase in the number of privately sponsored refugees to Canada between 2005 and 2010, from 2,976 to 4,833 respectively, pressure remained on civil society organizations, religious associations, and groups of individuals to sponsor individual refugees and their families throughout the early 2000s. The Citizenship and Immigration Canada (CIC) 2010 Annual Report indicated that in the wake of marginal increases a 2009 national conference brought together Sponsorship Agreement Holders to discuss the most pressing challenges associated with sponsorship, especially with regards to collaboration with each other and the ministry[55]. Throughout the five years leading up to the introduction of the Balanced Refugee Reform Act in 2010 private refugee sponsorship continued to be governed by the provisions set out in the IRPA and IRPR where dozens of sponsorship agreements were upheld to allow for continued private sponsorship of refugees. As the Executive Director for Canadian Lutheran World Relief (CLWR), Robert Granke, noted,

[53] Canadian Council for Refugees. (1998, October). Refugees in Canada. Canadian refugee and humanitarian immigration policy 1997 to mid-1998. Retrieved February 15, 2014 from: [http://ccrweb.ca/survey98.pdf].
[54] Ibid.
[55] Citizenship and Immigration Canada. (2010). Annual Report to Parliament on Immigration 2010.. Retrieved February 22, 2014 from [http://www.cic.gc.ca/english/pdf/pub/immigration2010_e.pdf].

> As an agreement holder with the Government of Canada, Department for Citizenship and Immigration, CLWR offers an opportunity for Lutheran congregations and groups to sponsor refugees. The resulting partnership between CLWR and sponsors translates to literally hundreds of new Canadians being welcomed and settled into our country each year. It is my pleasure to lift up this program and encourage your support. As one who has tracked the movement of people from dangerous and challenging circumstances, it is gratifying to see the positive impact this ministry has on the lives of the refugees, their families and Lutheran groups in Canada. Everyone is enriched by getting involved![56]

This sense of duty to refugees around the world continued to be felt by sponsoring organizations and individuals alike into the twenty first century, despite the implementation of Government reforms on the PSR system. These reforms to the structure of PSR and their implications will be discussed in the following section.

Section III: Structural Changes to PSR 2010 – 2014

Beginning in 2010, the Federal Government introduced significant reforms to the Canadian PSR system. In a speech to the House of Commons on April 26th, 2010, then Minister of Citizenship, Immigration and Multiculturalism – Jason Kenney – moved that Bill C-11, *An Act to amend the Immigration and Refugee Protection Act and the Federal Courts Act*, be read for the second time and referred to committee effectively introducing the Government's commitments for refugee resettlement and intended reforms. Kenney expressed his pride over the Government's announcement in 2010 to welcome to Canada over the course of three years 12,000 refugees from Iraq. He indicated that "everywhere I go across the country; I encourage community groups, church groups, faith groups and others to participate in our privately-sponsored refugee program to help rescue those Iraqi refugees and other people in need of our support around the world[57]." He further stated that in the "context of balanced reform to our

[56] Canadian Lutheran World Relief (2011, Spring). In Mission for refugees. Retrieved November 13, 2013 from: [http://www.clwr.org/documents/PartnershipSpring2011.pdf].

[57] Kenney, J. (2010, April 26). Jason Kenney on Balanced Refugee Reform Act. Retrieved May 23, 2014, from: [http://openparliament.ca/debates/2010/4/26/jason-kenney-1/only/].

refugee system, Canada can and should do more to help those in need of our protection. That is why, as part of this broader package of reform to our refugee systems, including our asylum system, I have announced our intention to increase the number of resettled refugees welcomed to Canada by 2,500 individuals, to 14,000.[58]" Part of this commitment included an increase of some 2,000 positions for refugees to come through the PSR system. Kenney further indicated the outpouring of support made by the refugee resettling community in response to the announcement, including a comment from Mr. Tsehai of Canadian Lutheran World Relief who expressed his "sincere appreciation and deep gratitude for [the] announcement[59]."

While this announcement and subsequent announcements since 2010 have indicated a marked interest in increasing the spaces available for refugees (including PSR refugees) to find durable solutions in Canada, several structural changes to the Canadian resettlement program have produced a number of roadblocks which hamper the ability for private sponsors to act on their humanitarian commitments to sponsored refugees. The structural reforms will be discussed in the following section, along with the Government rationale for the changes and the implications these changes have had or will have on the PSR system. These changes and their expected consequences (both positive and negative) will impact the future of private refugee sponsorship resettlement in Canada and serve to inform future resettlement policy and reforms.

III.I Caps on Private Sponsorship Applications

Citizenship and Immigration Canada announced on December 9, 2011 a 'Notice of Intent' in the *Canada Gazette* to propose changes to the Canadian refugee resettlement program; including all private sponsors in terms of sponsorship application changes, and sponsorship eligibility changes. The following amendment was made to the IRPR:

[58] Ibid
[59] Ibid

9. (1) Paragraph 153(1)(b) of the Regulations is replaced by the following:

- (b) must make a sponsorship application that includes a settlement plan, an undertaking and, if the sponsor has not entered into a sponsorship agreement with the Minister, a document issued by the UNHCR or a foreign state certifying the status of the foreign national as a refugee under the rules applicable to the UNHCR or the applicable laws of the foreign state, as the case may be[60];

III.I.I Regulatory Amendments to G5 and CS Applications

Groups of Five (G5s) and Community Sponsors (CSs) do not have on-going, multi-year agreements with the Minister of Immigration as their Sponsorship Agreement Holder counterparts do, therefore instituting a cap on the number of applications submitted to the Government is not feasible. The amendment instead requires applications for sponsorship by G5 or a CS to include documented proof (from the UNHCR or a State) that the applicant seeking sponsorship is recognized legally as a refugee and has undergone a refugee status determination. In line with the introduction of the cap on applications for SAHs identified above, the regulatory amendment to the G5 and CS streams of the PSR program have also been introduced as,

(2) Section 153 of the Regulations is amended by adding the following after subsection (1):

(1.2) If the foreign national has chosen to have their application for a permanent resident visa attached to the sponsorship application in accordance with paragraph 140.2(1)(b), the sponsor must send the sponsorship application and the application for a permanent resident visa to the Department's Case Processing Centre in Canada for processing those applications[61].

CIC further indicated that in the rare circumstances where an application overseas does not have access to a State's or the UNHCR's refugee determination process, they may gain sponsorship through the backing of a SAH or through the humanitarian and compassionate provisions of the IRPA[62].

[60] Regulations Amending the Immigration and Refugee Protection Regulations. (2012, October 18). Canada Gazette. Retrieved May 23, 2014, from [http://www.gazette.gc.ca/rp-pr/p2/2012/2012-11-07/html/sor-dors225-eng.html].
[61] Ibid.
[62] Ibid.

III.I.II Government Rationale

The newly implemented strategy was introduced to "deal with application quality issues, growing inventories and long processing times in the PSR Program.[63]" CIC expressed frustration over many refugee and sponsorship applications lacking essential information which then requires considerable time to follow-up on. Furthermore, delays often occur between the time of submission of the sponsorship undertaking in Canada and the permanent residence application overseas. A full PSR application will not be assessed until both documents have been received by staff at the relevant visa office. Conversely the wait time has not been felt as strongly in the Government resettlement program as the Federal Government engages in regular conversations with the UNHCR to set limits on the number of refugee applications Canada will process annually and allocates the appropriate resources to ensure sufficient capacity.

An additional concern stems from the high quantity of applications the PSR Program receives every year. As of June 2011, the global PSR inventory across all visa offices amounted to 23, 200 persons[64]. CIC stated that "if the level of submissions and current approval rates are maintained, even with the additional 2,000 PSR spaces announced as part of the 2010 Balanced Refugee Reform Act, it will take until 2025 to reduce the PSR inventory to a manageable level.[65]"

Global approval rates in the PSR Program in Canada between 2006 and 2010 averaged at 57 percent. This poor approval rate led to additional resource allocation for visa officers who must request supplementary information or new cases in order to meet their PSR targets. Cases already identified by the UNHCR have a much higher likelihood of falling under Canada's

[63] Notice requesting comments on a proposed regulatory amendment that will affect the Private Sponsorship of Refugees Program. (2011, December 11). Canada Gazette. Retrieved May 24, 2014, from [http://www.gazette.gc.ca/rp-pr/p1/2011/2011-12-10/html/notice-avis-eng.html].
[64] Ibid
[65] Ibid

refugee eligibility criteria. That being said CIC has acknowledged that the PSR Program is not a purely government led program and therefore an approval rate of 65-70 percent would be acceptable, in the event that this were possible without additional regulation[66].

The cap on the number of PSR submissions Citizenship and Immigration Canada will accept from Sponsorship Agreement Holders was introduced as a means of reducing the above mentioned inefficiencies. CIC and the SAH community agreed however that there will be no progress on backlog reduction if the G5/CS streams for sponsorship were not managed as well. CIC therefore in addition to amendment 1.2 in Section 153 of the IRPR, ceased to print and provide application kits for sponsorship as of December 1, 2011. Digitizing the entire process was believed to ensure that CIC would receive completed applications and therefore a speedier processing of applications. It was further understood that refugee applicants who do not have computer access would be assisted by their potential sponsors in completing the application for sponsorship[67].

This amendment served to reduce the total number of G5 and CS applications received by CIC, especially from those applicants who were less likely to successfully meet the regulatory requirements. It was also hoped that such a change would increase the approval rates for G5 and CS sponsored cases, consequently making more efficient use of resources. CIC stated that "this amendment will improve operational efficiency, decrease processing times and reduce the inventory, which in turn will reduce wait times[68]."

The proposed changes were expected to increase program efficiency across the Canadian resettlement division and to improve the quality of applications coming through the PSR

[66] Ibid
[67] Ibid
[68] Regulations Amending the Immigration and Refugee Protection Regulations. (2012, October 18). Canada Gazette. Retrieved May 23, 2014, from [http://www.gazette.gc.ca/rp-pr/p2/2012/2012-11-07/html/sor-dors225-eng.html].

program. Moving towards a system that will allow for higher approval rates will allow CIC to better predict and manage the number of PSR applications it receives annually against those targets set out by the Government program[69]. A CIC spokesperson stated that, "private sponsors determine who they wish to sponsor. The cap however, will set parameters on where they may sponsor from and indirectly this will encourage sponsors to focus on areas where there are not already long wait times.[70]"

III.I.III Implications for PSR

Setting a cap on SAH applications and placing parameters on where refugees may be sponsored from may serve to encourage sponsors to focus their sponsorships in line with areas not experiencing long wait times and more broadly address the backlogs and inefficiencies of the PSR system. However, these caps on private sponsorship applications are effectively removing the principle of diversity inherent to the PSR system. Traditionally the PSR system has been designed to exist separately from the regimented and targeted nature of the Government resettlement program. As such there have been no restrictions on the areas private sponsors choose to sponsor refugees from. These caps on applications are effectively limiting the ability for the PSR system to remain an open and diverse system.

A more pressing side effect of the caps is the contradictory nature of what the Government is professing on one side and the reality of the sponsorship environment on the other. In 2010 the CBC reported Minister Kenney as saying "we do what we can on a limited basis, but I'm saying perhaps it's time for those organizations to step up and do so in a more

[69] Notice requesting comments on a proposed regulatory amendment that will affect the Private Sponsorship of Refugees Program. (2011, December 11). Canada Gazette. Retrieved May 24, 2014, from [http://www.gazette.gc.ca/rp-pr/p1/2011/2011-12-10/html/notice-avis-eng.html].

[70] Swan, M. (2011, November 9). Canadian government to limit refugee sponsorships, The Catholic Register, Retrieved November 20, 2013 from: [http://www.catholicregister.org/home/canada/item/13315-canadian-government-to-limit-refugee-sponsorships].

organized fashion[71]," in response to questions about sponsoring lesbian, gay, bisexual and transgender (LGBT) cases at a Catholic immigration centre in Ottawa. Unfortunately even when community groups and individuals have mobilized the requested support, the newly introduced quotas on sponsorship have made it impossible for sponsors to step up. David Pepper, one such Canadian who endeavoured to privately support LGBT refugees through a G5 sponsorship expressed his frustration with the regulations,

> Everyone is a combination of frustrated and confused by what are really mixed messages from the government. They can't make it sound simple: 'Go out and do a Group of Five and do your job as good Canadian citizens,' and then kind of muddy the waters with what really appears to be, from everyone I talk to, restrictions and contractions of our international commitments.[72]

The announcement by Minister Kenney to increase the target number of PSR cases to 6,500 annually by 2013 is a welcome change, however some very active SAHs like the Roman Catholic Archdiocese and Hospitality House were shocked at how few applications they would be able to submit under the new caps. Hospitality House alone had filed applications for 1,350 refugees in 2011 which amounted to the total number of applicants to be submitted nationally for the entire year[73]. Hospitality House had to go so far as to close their PSR program entirely for 2012 as a result of the Government caps. Janet Dench, executive director of the Canadian Council for Refugees indicated that with the caps, "groups can't maintain staff to do no work. A few years from now, if the Government has absorbed the backlog and wants to start boosting application numbers again, the capacity may no longer exist[74]." While some SAHs are happy that the Government is working to eliminate the

[71] CBC News. (2010, June 29). Refugees need more help from private groups: Kenney. CBC News. Retrieved May 24, 2014, from [http://www.cbc.ca/m/touch/world/story/1.924322].
[72] Shane, K. (2011, November 16). Feds cut privately-sponsored refugee claim intake to a trickle. Embassy Magazine. Retrieved May 25, 2014, from [http://oppenheimer.mcgill.ca/Feds-cut-privately-sponsored?lang=fr].
[73] Ibid
[74] Ibid

growing backlog, others are concerned about the safety of the refugees that are being turned away as a result and have admitted that caps are not the answer to the backlog problem.

III.II Elimination of the Source Country Class

In October 2011, the Source Country Class (sections 148, 149 and Schedule 2) were repealed from the IRPR. The IRPR had up until this point included three classes of refugees who participated in Canada's resettlement programs: Convention Refugees Abroad, Country of Asylum, and Source Country Class. The Source Country Class (described in Section I) acted as a complementary refugee class to the Convention Refugees Abroad Class in that it allowed Canada to also resettle individuals who were not under the protection mandate of the UNHCR by allowing for the resettlement of refugees who remained inside their country of origin.

III.II.I Government Rationale

The Source Country Class has traditionally acted as a flexible tool in humanitarian interventions, with the capacity to respond to a variety of situations and vulnerable populations previously excluded from resettlement opportunities. The Federal Government has recently acknowledged that in reality the Source Country Class has proven to be effective only under certain conditions in particular countries with the number of applications submitted and accepted varying significantly year to year and country to country (with many countries receiving 0 applications in some years). For example, in Colombia and Bosnia-Herzegovina, the only two countries within Schedule two who receive several thousand applications annually, the average acceptance rates are very low at 13percent and 23percent respectively.

In 2009 CIC conducted a review of the Source Country Class to determine its effectiveness within the broader resettlement framework. The review found that the class can "only be used successfully in a narrow range of humanitarian situations in a small number of

countries around the world.[75]" The three key issues which were identified as preventing the class from meeting its objectives were:

1. Many individuals who could benefit do not currently live in a designated source country and are therefore ineligible for resettlement under the Source Country Class. Furthermore, it has become unfeasible to use the regulatory amendments required to change the schedule of designated source countries.
2. Under subsection 150(1) of the IRPR "all applications for resettlement must be accompanied by a referral from a referral organization[76] or by an undertaking from a private sponsor.[77]" As a result the Minister has been given the power to grant direct access to applications which do not include a referral in the absence of an international organization with the mandate to identify refugees who reside in their country of origin. The direct access provision presents problems with the volume of applications overwhelming the processing capacity.
3. In the absence of referral organizations to work with potential applicants, applicants in some source countries remain unable to access the application process through this class[78].

CIC has concluded that the low approval and application intake rates indicate that the Source Country Class has not been an effective or efficient component of the resettlement system. In addition, the lack of assistance by a referral organization has shown low levels of access for vulnerable persons. CIC proposed to repeal the class in order that "resources can be

[75] Regulations Amending the Immigration and Refugee Protection Regulations. Vol. 145, No. 12. (2011, March 19). Canada Gazette. Retrieved May 23, 2014, from [http://www.gazette.gc.ca/rp-pr/p1/2011/2011-03-19/html/reg3-eng.html].
[76] Defined in section 138 as the UNHCR or another organization with which the Minister has entered into a memorandum of understanding under section 143.
[77] Regulations Amending the Immigration and Refugee Protection Regulations. Vol. 145, No. 12. (2011, March 19). Canada Gazette. Retrieved May 23, 2014, from [http://www.gazette.gc.ca/rp-pr/p1/2011/2011-03-19/html/reg3-eng.html].
[78] Ibid

focused on populations where Canada can work with partners like the UNHCR, private sponsors and other resettlement countries.[79]"

III.II.II Implications for PSR

Removing the Source Country Class is effectively infringing on the principle of diversity inherent to the PSR system discussed in Section I. The Source Country Class was introduced to allow for an avenue for refugees who found themselves in refugee like situations but remained in their country of origin to find safety in Canada. While it must be acknowledged that in practice the Source Country Class has lacked efficiency and continually experiences low approval rates, removing the option for private sponsors to seek refugees from these countries is further regulating the generosity of individual Canadians to serve Government interests. As an initiative the PSR program was intended to connect ordinary Canadians with vulnerable populations in need in all corners of the world. Placing restrictions on access to the system in this manner, while undoubtedly increasing efficiency and allowing private sponsors the opportunity to connect with individuals who are better placed to receive their assistance, is disregarding the principle of diversity and the ability of the private sponsor to choose a specific individual, from a specific geographic area to assist.

III.III Reorientation of Settlement Programs

The Federal Government in 2011, as part of the measures to reform Canada's refugee system through the Balanced Refugee Reform Act, committed to increase the number of resettled refugees by 2,500. In line with this and subsequent commitments, CIC is streamlining the resettlement program to focus on priority populations. These populations represent an opportunity for Canada to work with resettlement partners like the UNHCR, other resettlement

[79] Ibid

countries, and private sponsors through greater coordination and resource mobilization. While the resettlement program continues to operate on a global scale, significant resources through CIC have been devoted to refugees coming from priority areas in the Middle East, Africa, Asia, and South America[80].

The multi-year resettlement commitments from CIC have continued to target specific vulnerable populations since 2011. In October 2013 it was announced that CIC was moving forward with new multi-year commitments in the Middle East, Africa, and the Americas to run alongside pre-existing commitments to the Bhutanese, Iraqis, and refugees out of Turkey[81]. The 2013 commitments have been identified in Table I, *2013 CIC Multi-Year Resettlement Commitments.*

Table 1: 2013 CIC Multi-Year Resettlement Commitments

Number	Geographic Area of Commitment
4000	Iraqis out of the Middle East by 2015 (overall commitment of 20,000 Iraqis)
1000	Bhutanese out of Nepal by 2015 (overall commitment of 6,5000 Bhutanese)
5000	Refugees out of Turkey between 2013-2018
200	Syrian GARs out of Lebanon & Jordan in 2013 and 2014
900	Colombians out of Ecuador between 2014 -2017
4000	Eritreans out of Eastern Sudan & Ethiopia between 2014-2019
2500	Congolese out of Tanzania & Burundi between 2015-2018
** + an ongoing commitment from PSR populations in East Africa, South Africa, Pakistan, Egypt, and the Middle East. **	

Source: Multiyear Refugee Resettlement Commitments. (2013, January 1).Refugee Sponsorship Training Program. Retrieved June 3, 2014, from: [http://www.rstp.ca/en/refugee-sponsorship/latest-policy-program-update/multiyear-refugee-resettlement-commitments/].

III.III.I Government Rationale

According to the Canadian Council of Refugees CIC's reorientation of resettlement programs towards a concentration on a limited number of refugee populations will allow for "the Department and sponsors to better prepare population-specific approaches for settlement. It will

[80] Ibid

[81] Catholic Crosscultural Services. (2013, January 1). Multiyear Refugee Resettlement Commitments. Refugee Sponsorship Training Program. Retrieved June 3, 2014, from: [http://www.rstp.ca/en/refugee-sponsorship/latest-policy-program-update/multiyear-refugee-resettlement-commitments/].

also ensure that overseas processing resources can be allocated in the best possible manner to ensure fast processing times and reduction of application inventories."[82]

Many other resettlement countries are also engaging in the multi-year commitment model, especially given the outbreak of refugees from Syria, and the Government of Canada is seeking to coordinate in these efforts. Focusing on multi-year commitments will not only allow for smoother functioning on the resettlement side but also on the integration side of resettlement in Canada. Focusing CIC's resources and expertise on specific geographic populations will allow for the mobilization of resources around the targeted needs of that specific population and for the deployment of staff to facilitate the resettlement and integration programs.

III.III.II Implications for PSR

While it is evident that these changes will primarily apply to Government resettlement programs, there is a great deal of concern that the private sponsorship system will also be impacted. This concern specifically relates to a projected concentration of Government resources at identified visa offices, severely limiting the ability of sponsor's to respond to refugees in other areas not deemed 'priority' regions. A loss in the capacity to respond to refugees on a global basis will undoubtedly leave some refugees without an opportunity to access the Canadian refugee resettlement system as they have formerly been allowed to. It may also act as a deterrent to sponsoring groups who may have specific interest in only resettling refugees they can name or have a geographic or affinity interest in, but are no longer accessible because of regional priorities. Furthermore, the resettlement efforts of more targeted programs such as this will become more susceptible to developments in prioritized

[82] Canadian Council for Refugees. (2013, January). Important changes in Canada's Private Sponsorship of Refugees Program. Retrieved November 18, 2013 from: [http://ccrweb.ca/en/changes-private-sponsorship-refugees].

areas - for example with the Syrian civil conflict came difficulty in processing Iraqi refugees through Syria, even though this area was identified as a priority area for Canada[83].

The benefits of such a system should not go unnoticed however. A more targeted approach to refugee resettlement allows for greater efficiency in processing cases coming from one specific area. It is also beneficial in allowing for a more coordinated effort in undertaking resettlement from one area as resources do not have to spread across regions. Furthermore, support systems and networks are easier to set-up and maintain when the individuals requiring these services share common experiences and thus have similar needs.

III.IV Introduction of the Blended Visa Office Referred Program (BVORP)

What is undoubtedly the largest change to refugee sponsorship in recent years is the introduction of the 'blended' sponsorship program in 2013. This system, known as the Blended Visa Office Referred Program (BVORP), is a shared program between the Government and private sponsors who agree to pay part of the necessary support costs for resettled refugees. The program involves pre-selection on the part of the Government at visa offices around the world. The program in essence engages the Government of Canada, UNHCR, and private sponsors through the matching of refugees identified for resettlement by the UNHCR with private sponsors who are SAHs in Canada. With each sponsored refugee through the BVORP the Government agrees to provide up to six months of income support through the pre-existing Resettlement Assistance Provided. The private sponsor in turn commits to provide an additional six months of financial support as well as up to a year of social and emotional support as would be expected through a traditional sponsorship undertaking[84].

[83] Ibid

[84] Citizenship and Immigration Canada. (2013). Blended Visa Office-Referred Program – Sponsoring refugees, Retrieved on November 20, 2013 from: [http://www.cic.gc.ca/english/refugees/sponsor/vor.asp].

III.IV. I Government Rationale

As the refugees sponsored under this program are already travel-ready the BVORP will speed up the processing time for these cases, within one to four months. The lengthy processing times up until this point have acted as a deterrent for sponsorship as named cases often take years to process. It also provides a reliable list of refugees awaiting sponsorship to sponsoring organizations who are seeking sponsorship candidates, especially in the wake of sponsorship caps at some missions mentioned above. It further ensures that refugees resettled through this program are fully covered by the IFHP, taking away the unease over unanticipated medical costs born to sponsors. The goal is to engage in a three-way partnership between the Government of Canada, the UNHCR, and private sponsors who are Sponsorship Agreement Holders.

III.IV.II Implications for PSR

There is some concern within the sponsorship community that the introduction of the blended program does not respect the principle of additionality (identified in Section I) that the Canadian refugee sponsorship system has always championed. Some SAHs have speculated that the motivations behind the program stem from the Government's desire to save money, in the context of deficit-reduction, while at the same time continuing to meet commitments to increase resettled refugees by 2,500 by the end of 2013. The original announcement by CIC for the 2013 increases in the resettlement programs was to involve 500 more Government resettlement spaces as well as an additional 2,000 privately sponsored spaces. Changes to that commitment however spoke instead to having the 500 Government-assisted refugees come through the BVORP or completely as private sponsored refugees.

To begin with 200-300 refugees in 2013, the number of refugees who come through the blended program is expected to increase over time. The CIC Departmental Performance Report

stated that, "CIC plans to increase the number of PSRs to be resettled in a year by 1,000, which will replace an equivalent number of government-assisted refugees."[85] There is thus concern amongst sponsors that their efforts through the BVORP are allowing the Government to cut back on its intended contributions, as opposed to being in addition to Government-assisted refugees as has always been the case.

Additional concern stems from a historical desire for sponsors to possess a personal connection to the individual refugees or regions from which they choose to sponsor. Through the BVORP the Government will possess full discretion in choosing which refugees come through the program, eliminating the ability of sponsors to name refugees through this program. In 2013 blended cases could only be selected from: Iraqis and Iranians in the Middle East, Eritreans in Eastern Sudan, Burmese in Malaysia, and Bhutanese in Nepal[86].

On a more practical note, it is presumed that if private sponsors are unable to meet the targets set forward by the Government for refugees through the BVORP, the places will go unfilled. This indicates that not only does the blended program go against the concept of additionality in Canadian refugee sponsorship, but it may also create the potential for those Government identified and partially funded refugees to end up deprived of the opportunity to resettle in Canada if sponsored organizations cannot meet the capacity requirements.

Understanding that the purpose of the sponsorship provision as it was identified in 1978 was to "benefit not only the refugees and humanitarian applicants themselves, but also the sponsoring group or organization in Canada and the Canadian Government…offers of assistance should also lead to the admission of larger numbers of refugees and persons in like

[85] Canadian Council for Refugees. (2013, January). Important changes in Canada's Private Sponsorship of Refugees Program. Retrieved November 18, 2013 from: [http://ccrweb.ca/en/changes-private-sponsorship-refugees].
[86] Ibid

circumstances[87]." Further acknowledging that the PSR system was to evolve on the foundational principles of additionality and diversity, it is essential to place the most recent reforms to the PSR system in perspective. Does the changing nature of the PSR system today represent a shift in the refugee resettlement landscape and operative environment in Canada, bringing with it a need to adapt and change the program to fit in with domestic and global demands? Have Canadians themselves become less generous as a population and less likely to show an outpouring of support for refugees around the world as they once did in the late 1970s? Or are the reforms of the PSR system in the last five years representative of placing limits on the generosity of Canadians and a need to re-align the system to allow for the goals and principles of the PSR system to be re-infused into the modern iteration? Recommendations for moving forward with PSR in Canada will be proposed in the following section.

Section IV: The Way Forward

It is clear that even with the restrictive elements of the reforms to the PSR system since 2010, there have been countless SAHs, G5s and CSs who remain committed to the humanitarian activities brought about through the PSR system. If anything, the frustration of individuals continuing to want to sponsor has been felt most strongly as a reaction to the reforms. The spirit of Canadian generosity remains alive and thriving despite the reforms and resulting restrictions placed on their ability to access the PSR system. The reforms have not been in response to decreased interest from the public sector and civil society but have instead led to an environment which makes it increasingly difficult for these individuals and groups to harness their humanitarian efforts in tangible ways. Canadians remain infused with a spirit of generosity and

[87] Manion, J.L. (1978, January 24). The Sponsorship of Refugees and Humanitarian Cases. Memorandum to the Minister. P.2.

compassion towards their fellow man however are finding it difficult to realize the original goals of private sponsorship within the context of the current PSR system.

The major contemporary challenges in the PSR system have frustrated the ability of Canadians to showcase continued generosity towards refugee populations through resettlement, however, many opportunities remain for the system to be reformed once again to bring the application of PSR back in line with the goals and principles of the system as was intended from the onset. The solutions presented in the following section to address these major challenges were developed in part through a series of meetings at the York University Centre for Refugee Studies throughout November and January 2014, co-sponsored by the Canadian Immigration Historical Society and the Sponsorship Agreement Holders Association. The meetings led to a wide ranging discussion around how the Canadian refugee sponsorship program has evolved since its development prior to the Indochinese refugee movement and how to revitalize thinking about refugee resettlement programs in Canada in both the Government and private sector. It is clear that many challenges will persist regardless of any additional reforms to the system to bring it back to its roots, however a re-alignment of resettlement needs and priorities to reflect greater Government-civil society partnerships is the first step in getting back to a PSR system which is representative of Canadian sponsorship goals, interests, and humanitarian principles.

IV.I Challenge I: System Inefficiencies and Backlogs

Prior to the reforms which began in 2010 the PSR system was plagued by inefficiencies including long wait times for processing of applications and an increasing backlog of cases awaiting review. CIC's decision to impose caps on SAH applications, regulate G5 and CS applications, place priority on geographic areas of interest through multi-year commitments, and introduce the blended program served to improve the efficiency and effectiveness of the system

broadly and alleviate the pressure of the mounting backlog. In response some SAHs and other sponsoring individuals expressed their approval for the efforts to increase the efficiency of the system, including Martin Mark, director of the Office of Refugees for the Archdiocese of Toronto who stated his frustration with the inefficiencies, "when you say protection delayed, it's protection denied". He went on to say that "it's in our interest that this program should be manageable, and it is we [the SAHs] who say this is not feasible anymore.[88]" Of the reforms, he believes that "it was really good that finally somebody took the initiative and addressed this issue.[89]" Even with the positive reaction on the part of some SAHs, concern persisted over the divide between the Government and the sponsoring community. To this point Mark expressed concern that CIC lacked transparency in these decisions and implemented the caps on sponsorship with little consultation with the individuals and groups the decisions would impact. "We do have expertise, and great ideas, which should have been considered, and it was not considered when creating these annual allocations or visa post sub-caps.[90]"

With the increased efficiency of the PSR system as a result of the reforms also came the concern from other SAHs that the changes reflect an attempt of the Government to transfer some of its commitments to the private sector and civil society. The instituted caps and introduction of the BVORP ultimately infringes on the principles of additionality and diversity inherent to the PSR system. Allocating space for BVOR cases in the place of Government-assisted cases is effectively forcing sponsorship organizations to step in for the Government which has shirked some of their commitments while at the same time allowing national commitments and targets to be met. Furthermore, it has been acknowledged that many of the cases which have come through

[88] The B.C. Catholic. (2011, April 6). New refugee policy condemned for lacking compassion. The B.C. Catholic. Retrieved May 23, 2014, from [http://bcc.rcav.org/canadian/624-michael-swan].
[89] Shane, K. (2011, November 16). Feds cut privately-sponsored refugee claim intake to a trickle. Embassy Magazine. Retrieved May 25, 2014, from [http://oppenheimer.mcgill.ca/Feds-cut-privately-sponsored?lang=fr].
[90] Ibid

as BVOR cases did not require any additional settlement support provided through sponsorship. In practice the BVOR cases referred through the UNHCR are also roughly the same populations targeted by CIC for the Government resettlement program. While it is possible to resettle refugees from other areas outside of these targeted populations through the PSR program, the allocation of resources and personnel at processing centres around the world has been reflected to meet the goals of the targeted approach. As a result it will only become more difficult for private sponsors to access named refugees as has been the case since the development of the PSR program.

IV.I.I Solution I: Realigning Needs and Resettlement Programs

Regardless of the initial goals or principles of the PSR system the system cannot function free of regulation. A consistent trend for many years has seen the number of applications far exceeding the number of persons admitted as a result of limited capacity on both the sponsoring community as well as Government agencies. Given that bolstering resettlement capacity would require great changes across many agencies and within the sponsorship community, what is necessary in the interim is to bring strategic rationale to CIC's resettlement programs in order to best capitalize on the capacity which does exist. Realigning needs and programs to ensure that "the human support that can be provided by private sponsors, and that also provides so much personal satisfaction to those private sponsors, can be employed to their best effect.[91]" A broader application of the blended program to resettle refugees who require more personal support services than their Government-assisted counterparts may bring about more positive results. In a similar fashion to the JASP where additional support is offered to the 'hard cases' requiring resettlement, a joint BVOR case with Government financial support and personal support

[91] Adelman, H., & Alboim, N. (2014, January 13). Draft: A Proposed Revised Refugee Resettlement Policy for a New Age.P.9.

through private sponsorship can invoke the personal involvement necessary in some resettlement cases that can make a significant difference in the ability of the applicant to integrate successfully in the host society[92]. Allowing for the option of blended cases in CIC's resettlement portfolio will provide an opportunity for faster processing of sponsorship applications for those SAHs, G5s of CSs who do not have a particular interest in a specific refugee but would like to show their support for any case. It will also provide an avenue for more difficult resettlement cases to come through a joint effort between the Government and civil society. What must be reaffirmed throughout this process however is the respect for the principle of additionality in the PSR system. CIC should indicate that BVOR cases will not be included in the annual Government commitments but rather be undertaken in addition to the annual numbers.

This will open up the system slightly to allow for the processing of traditional PSR cases. Although visa posts and processing centres will have a weakened capacity due to Government targeting of priority populations and multi-year commitments, private sponsors will have the option to maintain the PSR principle of diversity and endeavour to sponsor named refugees or a refugees from specific geographic regions or ethno groups. Sponsors will have to accept the longer processing times of these cases (as has become the norm prior to the reforms) and can choose to instead undertake a BVOR case if they wish to have a more easily processed sponsorship. Improving the efficiency of the entire PSR system is essential in ensuring the longevity of private sponsorship; however private sponsors must be given the option to name refugees for sponsorship. In this way the principle of diversity is protected and discretion is given back to the individual sponsors.

In line with a continuation of traditional private sponsorships is the option to place concrete time limits on the current caps for private sponsors. Clear lines of communication from

[92] Ibid

the Federal Government on the duration of these caps would signal to the sponsoring community that the priority at the moment is to address the impacts of the backlogs but that the integrity of the PSR system will be maintained in the long run. Working within the context of sponsorship caps for a limited amount of time until capacity is restored, Sponsorship Agreement Holders can consider working alongside the Government programs through the negotiation of annual resettlement plans. Mark spoke to this point through suggesting that "rather than a global cap, each SAH should negotiate an annual plan with CIC. The ministry should determine the proportion of applications to be processed at each visa post based on applications from private sponsors, not an arbitrary limit.[93]" New partnerships between SAHs and CIC could serve to provide confidence in the Government's commitment to working alongside the sponsoring community as opposed to regulating their work.

IV.I.II Solution II: National Refugee Sponsorship Organization

The lack of Government-civil society engagement and participation around the sponsorship program has led to confusion surrounding the reforms to the system since 2010. What are required are better lines of communication from the Government to the sponsorship community on sponsorship matters. Brian Dyck, Chair of the Sponsorship Agreement Holders Association of Canada believes that the context for sponsorship has very much changed and requires greater cooperation to bring it back to the levels of success experienced in the 1970s. In an interview with Lorna Dueck of *Context* he stated,

> I think that the churches are different than they were maybe in the late 70s, early 80s; there were a lot of different groups who were pushing for this. A lot of amazing things came together at that time and I don't know what it would take to do that, what it would take to

[93] The B.C. Catholic. (2011, April 6). New refugee policy condemned for lacking compassion. The B.C. Catholic. Retrieved May 23, 2014, from [http://bcc.rcav.org/canadian/624-michael-swan].

bring things together. I think if people push the Government might say: 'yea okay we can do this together'[94].

Broadly, consideration is needed in order to make better use of the potential for private sponsorships, however the base of potential sponsors needs to be expanded beyond the current SAHs in faith communities and ethnic groups. One of the outcomes of the York Conference was to establish a National Refugee Sponsorship Organization –akin to Operation Lifeline's National Organization[95] – to "encourage the formation of neighbourhood and other forms of non-traditional sponsoring groups which could partner with Government in sponsoring refugees.[96]" The Organization would in essence serve three functions: 1) Provide a consistent communications strategy to coordinate the goals and efforts of all sponsoring organizations and present them to the Federal Government and in vice versa; 2) Provide a vehicle for receiving charitable donations to be used by sponsoring groups in conducting sponsorships; and 3) Administer a "National Refugee Sponsorship Insurance Fund" to backstop locally-based sponsoring groups in a similar fashion as SAHs[97]. The Organization would work in close collaboration with national and provincial Governments, the Sponsorship Agreement Holders Association and other organizations involved in refugee sponsorship to mobilize support and involvement in sponsorship matters, recruit community-based sponsorship groups, and provide a fund-raising mechanism for groups who have traditionally found it difficult to raise funds for sponsorship and access tax receipts for donations collected[98]. Such

[94] Lazarus, S. (Writer), & Kaulback, D. (Supervising Producer/Director). (2013, December 13). Refugee Crisis [Television broadcast episode #1310]. Context with Lorna Dueck [video file]. Available from [http://www.contextwithlornadueck.com/episodes/canada-refugees-crisis-compassion].

[95] Operation Lifeline became the largest organization in Canada sponsoring refugees in 1979. In the wake of the Indo-Chinese refugee crisis the Canadian public required technical assistance in facilitating sponsorships. A comprehensive strategy was launched through Operation Lifeline to mobilize the public to organize refugee sponsorships and provide financial assistance to refugees. Harries-Jones, P., & Adelman, H. (1991). The Policy Maker and the Advocate: Case Studies in Refugee Policy. Making Knowledge Count. Montreal: McGill-Queen's University Press.

[96] Adelman, H., & Alboim, N. (2014, January 13). Draft: A Proposed Revised Refugee Resettlement Policy for a New Age. p.17.

[97] Ibid

[98] Adelman, H., Alboim, N., & Molloy, M. (2014, March 3). Draft: New Directions for Refugee Resettlement.

an organization would have the ability to greater mobilize the sponsorship community and by extension the Canadian public, especially around any multi-year commitments the Government prioritizes. The Canadian public successfully responded in 1959 to the efforts of World Refugee Year[99] and again in 1979 in response to the Indo-Chinese Refugee crisis. With an organization leading the way in bringing about greater cooperation, centralization of resources, and mobilizing support, it could be possible to realize this type of response to contemporary refugee crises, within a more cohesive national system.

IV.II Challenge II: Overrepresentation of Family Reunification Cases

Recently the PSR system has experienced a disproportionate amount of applications coming from sponsored refugees wishing to bring members of their family to Canada through the undertaking of additional sponsorships. Brian Dyck indicated that some 90 percent of PSR applications through SAHs are family reunification cases. He stated in an interview with Lorna Dueck of *Context* that,

> What's happened in the last number of years is that the sponsorship has worked in some ways very well in terms of a lot of people have put in sponsorships but they've done different sponsorships than what they did back in the late 70s and early 80s. It's a different situation. Most of the sponsorships these days are named sponsorships where you have a specific person in a location that you want to sponsor. It happens when a person has come here sponsored by the Government or as an asylum claimant…who has other family members overseas and they say 'I want to bring them here too'[100].

While it must be acknowledged that the integration outcomes of refugees who are sponsored as a result of family connections are much more positive, a system overrun by family

[99] World Refugee Year (1959-1960) was initiated by the United Kingdom and sponsored by approximately 72 countries in the UN system as well as secular and faith based Non-Governmental Organizations. Following a resolution passed by the United Nations General Assembly in 1958 every country around the world was encouraged to engage in programming designed to resettle the 110,000 'hard core' refugees living in refugee camps across post WWII Europe. By the end of 1960 all the refugee camps in Europe were closed. Dirks, Gerald E., (1977) Canada's Refugee Policy: Indifference or Opportunism? Montreal: McGill-Queen's Press.

[100] Lazarus, S. (Writer), & Kaulback, D. (Supervising Producer/Director). (2013, December 13). Refugee Crisis [Television broadcast episode #1310]. Context with Lorna Dueck [video file]. Available from [http://www.contextwithlornadueck.com/episodes/canada-refugees-crisis-compassion].

reunification cases is detracting from the original goals of the PSR system. When the system was established in the 1970s the intention was to connect sponsors with refugees and truly provide a hands on experience for them, as a means of channeling their desire for humanitarian action. One of the most important policy recommendations to come out of the York Conference is that SAHs have drifted from their "traditional role as initiators in the sponsorship of refugees in need to a role as a backstop for refugees already here in facilitating reunification with other family members overseas.[101]" As a result of this phenomenon many of the refugees who arrive through the PSR program require very little human support from sponsors who instead serve as the administrative intermediary required to facilitate the sponsorship and thus the family reunification. The York Conference concluded that "the sponsor who signs the agreement and takes on the liability may have little if any personal or financial involvement with their sponsored refugees and merely serves as an administrative vehicle for family reunification rather than the purpose originally intended[102]".

The 90 percent of PSR applications through SAHs as family reunification cases occur because there is no formal channel through which refugees can legally bring their family members to Canada (as there was during the Indochinese refugee movement). These relatives often have warranted protection needs and it has been proven time and again that family support in resettlement leads to a much more successful integration experience of the refugees[103]. Yet, with such a high proportion of family reunification cases it has become difficult for the PSR system to function as it was originally intended to and instead many sponsors are being deprived of the traditional role of providing social support along with their financial contributions. The opportunity for sponsors to become involved in the settlement process of refugees has been a

[101] Adelman, H., & Alboim, N. (2014, January 13). Draft: A Proposed Revised Refugee Resettlement Policy for a New Age.
[102] Ibid.
[103] Adelman, H., Alboim, N., & Molloy, M. (2014, March 3). Draft: New Directions for Refugee Resettlement.

tool with which to mobilize action and sponsorship pledges within the sponsoring community. With the high incidence of family reunification cases this important tool is being diminished.

IV.II.I Solution III: Development of a Refugee Family Reunification Program

An additional proposal from the York Conference was the need for the development of a *Refugee Family Reunification Program* which would allow refugees resettled in Canada to sponsor their family members in a similar fashion as the family reunification program present in the Canadian immigration system. The program could operate on annual targets based on capacity and be delivered on a "first come first served" basis to prevent backlogs[104]. Creating a *Refugee Family Reunification Program* would not only further assist individuals with protection needs and contribute to more successful integration and resettlement outcomes, but also free Canadian sponsorship organizations to better direct their sponsorship efforts to other cases who may have greater needs and could benefit from the additional support of a sponsoring organization. Removing the family reunification cases from the traditional PSR system would allow SAHs, G5s and CSs to make better use of the respective experience and available resources.

IV.II.II Solution IV: Development of a National Refugee Sponsorship Insurance Fund

As it is understood that refugees will be unlikely to provide the required financial support to undertake sponsorships supporting their family members without the assistance of an external sponsor or organization, a *National Refugee Sponsorship Insurance Fund* could be established (similar to the one created by the City of Winnipeg[105]), administered by the National Refugee Sponsorship Organization discussed in Solution II, to serve as a backstop for family reunification

[104] Adelman, H., & Alboim, N. (2014, January 13). Draft: A Proposed Revised Refugee Resettlement Policy for a New Age.

[105] A pilot project based on a proposal put forward by the Manitoba Interfaith Immigration Council, Manitoba Refugee Sponsors Group. And Business Council of Manitoba to call on the City of Winnipeg to establish a fund to backstop the applications of potentially sponsored refugees. The financial guarantee of $250,000 in 2002 acted as an insurance fund for family refugee sponsorship cases in Winnipeg. City of Winnipeg. (2002, July 17). Pilot-Project to attract New Canadians to Winnipeg. City of Winnipeg. Retrieved June 9, 2014, from [http://www.winnipeg.ca/cao/media/news/nr_2002/nr_20020717.stm].

sponsorships as well as locally-based sponsoring groups who do not fall under SAHs. This insurance fund would ensure that refugee sponsors could honour their commitments and reduce the instances of failed sponsorships[106]. The fund could be accessed in the event that sponsors default on their financial commitments or require additional financial support to carry out existing sponsorships. It would ensure that refugees could sponsor family members still requiring protection to bring about family reunifications while at the same time accounting for the financial burden oftentimes outside of the means of resettled refugees who come through the sponsorship program.

Section V: Conclusions

Historically, the opening up of the Canadian immigration program to allow for the resettlement of individuals in need has emboldened private individuals, voluntary organizations, and associations to endeavour to partner with the Federal Government to provide a safe haven for some of the most vulnerable populations around the world. The private sponsorship of refugees program, which grew out of the desire for private individuals to translate their humanitarian activities into concrete measures, has acted as a flexible tool for sponsorship actors to channel these desires since 1978. It has certainly evolved and adapted over time to its current form, however has been infused with the underlying purpose of benefiting refugee and humanitarian applicants as well as sponsoring organizations, and the Canadian Government. The program allows individual sponsors and groups to provide more individualized care and support outside the means of the Government capabilities. This type of partnership has ensured that a larger number of refugees and humanitarian applicants have found truly durable solutions in Canada. However, as recent trends have indicated, pressing challenges have plagued the

[106] Adelman, H., Alboim, N., & Molloy, M. (2014, March 3). Draft: New Directions for Refugee Resettlement.

resettlement programs offered in Canada at all levels. The resulting reforms since 2010 have not only led to massive alterations to the Government-assisted programs, but also inevitably to the private sponsorship scheme. While the reforms have often been interpreted as a means of further closing off a system which has the ability to do so much more for the hundreds of thousands of refugees seeking resettlement, all system changes must be considered within their operational contexts. No system can operate free of regulation, especially within a Government-led process. While the private sponsorship of refugees system involves the financial contribution of private Canadian citizens, it still depends on the resettlement capacity of the Federal Government and often the UNHCR, both of which have limits on the capacity to undertake sponsorships. In an ideal scenario, the Canadian Government would increase the capacity of its ministries to facilitate resettlement at all levels (Government and private alike); however, in the contemporary economic climate, this view is unrealistic. The purpose of this analysis is to provide realistic and measurable policy prescriptions moving forward to improve the operation of private refugee sponsorship in Canada. The aforementioned recommendations thus serve to propose implementable improvements to a system which has the potential to continually strive to do more for persons of concern all over the world.

The reforms have called into question the purpose of PSR to begin with and a need to re-evaluate the program design against its original purpose and objectives. It is evident that private Canadian citizens, voluntary associations, and cultural groups remain as committed to sponsorship as they once did at the program's introduction in 1978, yet remain frustrated by the consequences of the reforms. The outpouring of support and overwhelming number of applications has indicated a continued desire on the part of the Canadian population to engage in private refugee sponsorship opportunities regardless of the current challenges and impediments.

What is necessary is an acknowledgement on the part of the Federal Government that the reforms instituted since 2010 to the private sponsorship system have made it difficult for the sponsors to carry out their work and should be re-assessed. While the ideal scenario would be to repeal some, if not all, of the reforms, no program can operate free of regulation. What must be protected amidst regulation however are the underlying principles of additionality and diversity inherent to the PSR program. Program activity must coincide with the capacity of Government ministries, namely visa offices abroad and domestic reception and resettlement services, however the program structure must maintain the ability of sponsors to name refugee applicants from any country for resettlement. The spaces allocated for sponsorship cases must also be in addition to the spaces allocated in the annual Government targets. Preserving these two aspects of private sponsorship is essential in ensuring the goals and objectives of the program are realized.

Such measures as establishing a National Refugee Sponsorship Organization, and a Refugee Family Reunification Program could aid in the preservation of these principles while at the same time addressing the many challenges of private sponsorship program as it operates today. A National Refugee Sponsorship Organization would provide a consistent communications strategy to better coordinate the goals and efforts of all sponsoring organizations and facilitate interactions with the Federal Government to bring about comprehensive program activity. Furthermore, allowing refugees to resettle their family members through a Refugee Family Reunification Program would serve to free up the traditional PSR program to deal with the current backlogs and inefficiencies. These recommendations, along with others discussed in this paper, would allow for the private sponsorship program to operate in a manner more in line with its original goals and objectives, while at the same time address Government concerns over some of the more technical program challenges. No program

will ever operate completely free of inefficiencies, however with some innovative thinking and greater collaboration across actors, it is possible for private sponsorship in Canada to once again act as an example to other resettlement States of how best to harness the humanitarian desires of ordinary citizens.

As a unique program within the broader resettlement offer available through the Government immigration department PSR should be maintained as an option for resettlement in Canada. In a world where refugee resettlement is increasingly becoming a viable option for vulnerable refugee populations seeking durable solutions, it is essential for programs such as the Canadian private sponsorship program to remain an option. The UNHCR itself has promoted the development of additional resettlement programs such as the Humanitarian Admission programs for Syrian refugees in Germany, along with the creation of private sponsorship programs in other resettlement States. This acknowledgment of the importance of sponsorship schemes around the world cannot be lost on Canada who has long championed the use of private sponsorship. It is time now to re-align the Canadian PSR program to allow for the objectives set out in 1978 to be realized. It is only through a re-alignment that vulnerable populations of concern will have access to the full breadth of Canadian resettlement programs and find a final home in Canada.

Annex I Table II Resettlement to Canada by Year (1979 – 2012)

Resettlement to Canada by Year (1979 – 2012)			
Year	Government-Assisted	Privately Sponsored	Total by Year
1979	13,671	13,893	27,564
1980	19,027	21,244	40,271
1981	10,209	4,405	14,614
1982	10,431	5,863	16,294
1983	9,284	4,161	13,445
1984	10,614	3,976	14,590
1985	11,762	3,881	15,643
1986	12,468	5,222	17,690
1987	12,645	7,437	20,082
1988	13,678	12,387	26,065
1989	13,808	21,631	35,439
1990	12,563	19,307	31,870
1991	7,429	17,433	24,862
1992	6,126	8,960	15,086
1993	6,794	4,768	11,562
1994	7,585	2,822	10,407
1995	7,798	3,121	10,919
1996	7,846	3,073	10,919
1997	7,712	2,658	10,370
1998	7,382	2,140	9,522
1999	7,445	2,332	9,777
2000	7,367	2,905	10,272
2001	7,321	3,570	10,891
2002	7,505	3,041	10,385
2003	7,506	3,251	10,757
2004	7,411	3,115	10,526
2005	7,416	2,976	10,392
2006	7,326	3,337	10,663
2007	7,574	3,588	11,162
2008	7,295	3,512	10,807
2009	7,425	5,036	12,461
2010	7,264	4,833	12,097
2011	7,364	5,583	12,947
2012	5,417	4,212	9,629

Source for 1979-2002 figures: Canadian Council for Refugees, *Immigration to Canada – 1979-2001* based on figures provided by Citizenship and Immigration Canada. As cited in: Treviranus B. & Casasola M., (2003). Canada's Private Sponsorship of Refugees Program: A Practitioners Perspective of its Past and Future, JIMI/RIMI Vol. 4, No. 2.. p.6
Source for 2002-2007 figures: Canadian Council for Refugees. (2006, April). The Private Sponsorship of Refugees Program: Current Challenges and Opportunities. Retrieved January 10, 2014 from: [http://ccrweb.ca/PSRPBriefing.pdf].
Source for 2008-2012 figures: Canadian Council for Refugees. (2013, March). CCR decries dramatic drop in refugees resettled to Canada. Retrieved January 10, 2014 from: [http://ccrweb.ca/en/bulletin/13/03/07].

Annex II Immigration and Refugee Protection Regulations

Division 2 Sponsorship

Sponsorship agreements

- **152.** (1) The Minister may enter into a sponsorship agreement with a sponsor for the purpose of facilitating the processing of sponsorship applications.

Contents of agreement

(2) A sponsorship agreement shall include provisions relating to

- (*a*) settlement plans;
- (*b*) financial requirements;
- (*c*) assistance to be provided by the Department;
- (*d*) the standard of conduct expected of the sponsor;
- (*e*) reporting requirements; and
- (*f*) the grounds for suspending or cancelling the agreement.

Sponsorship requirements

- **153.** (1) In order to sponsor a foreign national and their family members who are members of a class prescribed by Division 1, a sponsor
  - (*a*) must reside or have representatives in the expected community of settlement;
  - (*b*) must make a sponsorship application that includes a settlement plan, an undertaking and, if the sponsor has not entered into a sponsorship agreement with the Minister, a document issued by the United Nations High Commissioner for Refugees or a foreign state certifying the status of the foreign national as a refugee under the rules applicable to the United Nations High Commissioner for Refugees or the applicable laws of the foreign state, as the case may be; and
  - (*c*) must not be — or include — an individual, a corporation or an unincorporated organization or association that was a party to a sponsorship in which they defaulted on an undertaking and remain in default.

(1.1) Paragraphs 13(1)(*a*) and (*b*) do not apply to the document referred to in paragraph (1)(*b*) issued by the United Nations High Commissioner for Refugees or a foreign state.

Place of application

(1.2) If the foreign national has chosen to have their application for a permanent resident visa attached to the sponsorship application in accordance with paragraph 140.2(1)(*b*), the sponsor must send the sponsorship application and the application for a permanent resident visa to the Department's Case Processing Centre in Canada for processing those applications.

Undertaking

(2) The undertaking referred to in paragraph (1)(*b*) shall be signed by each party to the sponsorship.

Joint and several or solidary liability

(3) All parties to the undertaking are jointly and severally or solidarily liable.

End of default

(4) A party or a sponsor who defaults on an undertaking ceases to be in default

- (*a*) in the case of a sponsor who defaults on a financial obligation, when the sponsor has reimbursed the government concerned, in full or in accordance with an agreement with that government, for amounts paid by the government;
- (*b*) in the case of a party who defaults on a financial obligation, when the defaulting party has reimbursed any other party to the sponsorship, in full or in accordance with an agreement with that party, for amounts paid by that party;
- (*c*) in the case of a sponsor who defaults on a non-financial obligation, when the sponsor satisfies an officer that they are in compliance with the obligation; and
- (*d*) in the case of an organization or association that was a party to a sponsorship and defaulted for any reason, when a period of five years has elapsed from the date of default[107].

[107] Division 2: Sponsorship. (2009).Immigration and Refugee Protection Regulations. Retrieved February 22, 2014 from: [http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/page-64.html#h-83].

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